

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 48 and 69 have been amended. Claims 1-47, 58-66 and 71-73 have been canceled herein. Claims 67 and 68 have been canceled by previous amendment. Thus, claims 48-57, 69 and 70 are pending.

Claim Rejections 35 U.S.C. § 112, Second Paragraph

Claims 48-66 and 69-73 were rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Specifically, various claims lacked sufficient antecedent basis. Claims 58-66 and 71-73 have been canceled. Therefore, the rejection of claims 58-66 is moot. Claims 48 and 69 have been amended as suggested in the Office Action. Accordingly, Applicants request that the rejection of claims 58-66, 69 and 70 as being indefinite be withdrawn.

Claim Rejections - 35 U.S.C. § 101

Claims 58-66 were rejected as being directed to non-statutory subject matter. Claims 58-66 have been amended. Claims 58-66 have been canceled herein. Therefore, the rejection of claims 58-66 is moot.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 48-66 and 69-73 were rejected as being unpatentable over U.S. Patent No. 5,748,618 issued to Rothrock (*Rothrock*) in view of a draft proposal entitled "An Industry Standard Data Format for the Export and Import of Automotive Customer Leads" (the

Proposed Standard") and further in view of "PCAgent and CMP Partner to Launch TechShopper (*TechShopper*). Claims 58-66 and 71-73 have been canceled.

Claim 48 recites:

a private block of data comprising a plurality of data items relating to the customer who is ordering the vehicle including at least a ranking of product attributes...

Claim 48 further recites:

wherein one of the computing systems receives the data structure and operates on at least the vehicle detail sub-block to select a subset of the target group of sellers by comparing at least features of the vehicle in the RFQ with products of at least one seller from the target group of sellers.

Thus, Applicants claim a private block of data that includes a ranking of product attributes. Applicants further claim a hierarchical data structure provides a standardized structure to facilitate the communication of not only vehicle information, but a secure means of communicating customer information. The structure is used to select a subset of target sellers. Claim 69 is directed to a data storage medium and recites similar limitations.

Rothrock is directed to data storage for electronic data conferencing. See Abstract. *Rothrock* does not teach or suggest ranking of product attributes. While *Rothrock* may disclose both public and private data, *Rothrock* does not disclose or suggest a hierarchical structure including standard features associated with an automobile and optional features associated with the automobile. Further, *Rothrock* does not disclose selection of a subset of sellers based on features communicated in a hierarchical structure. In contrast, *Rothrock* discloses an arbitration mechanism that allows participants in a multi-location electronic meeting to annotate a document. See Figures 5A-5E and

associated description. A single page can have multiple annotations. See Figure 5E. Therefore, *Rothrock* does not disclose or even suggest any hierarchical structure in which standard and optical features (whether associated with an automobile or not) can be used for selection of a subset of sellers.

Applicant respectfully submits that the *Proposed Standard* merely provides one example of a data format that can be used in the import and export of customer leads. These leads do not include or suggest a ranking of product attributes as claimed. The *Proposed Standard* is directed to communicating data using the Extensible Markup Language (XML). In this regard, the proposed data format includes information regarding the vehicle and a prospective customer (see, pages 5-11). The *Proposed Standard* is silent, however, as to the maintaining the customer-centric information in a private, or secure, section of the data format. Further, the *Proposed Standard* is silent as to selection of a subset of sellers based on a sub-block of a public block of data having features to narrow a target group of sellers. Therefore, assuming, *arguendo*, that *Rothrock* and the *Proposed Standard* can be combined, no combination of *Rothrock* and the *Proposed Standard* results in the claimed invention as claimed in claims 48 and 69.

While *TechShopper* discloses matching a buyer's needs to available products, *TechShopper* does not teach or suggest use raking of product attributes as claimed. Therefore, *TechShopper* cannot cure the deficiencies of *Rothrock* and the *Proposed Standard* as set forth above. Accordingly, the cited reference cannot teach or suggest the invention as claimed in claims 48 and 69.

Claims 49-57 depend from claim 48. Claim 70 depends from claim 69. Because dependent claims include the limitations of the claims from which they depend, Applicants

submit that claims 49-57 and 70 are not rendered obvious by *Rothrock* and the *Proposed Standard* for at least the reasons set forth above.

Claims 48-66 and 69-73 were rejected as being unpatentable over “An Industry Standard Data Format for the Export and Import of Automotive Customer Leads” (the *Draft Proposal*) in view of the *Proposed Standard* and *TechShopper*. Claims 58-66 and 71-73 have been canceled.

The *Draft Proposal* does not teach or suggest ranking of product attributes or selection of a subset of sellers based on a sub-block of a public block of data having features to narrow a target group of sellers. Without the need to further characterize the *Draft Proposal*, and without adopting the Examiner’s characterization thereof, Applicant respectfully submits that the *Draft Proposal* is not cited as curing and does not, in fact, cure the limitations identified above. Insofar as the *Draft Proposal* fails to cure this deficiency, Applicant respectfully submits that claim 48, as amended is not rendered obvious by combination of the *Draft Proposal* and the *Industry Standard* reference.

Applicant respectfully submits that claim 69 includes features similar to those identified above in amended claim 48, albeit in accordance with their respective embodiments. Accordingly, Applicant respectfully submits that claim 69 is likewise not rendered obvious by combination of the *Draft Proposal*, the *Industry Standard* and *TechShopper*.

Claims 49-57 depend from claim 48. Claim 70 depends from claim 69. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 49-57 and 70 are not rendered obvious by the *Draft Proposal*, the *Industry Standard* and *TechShopper* for at least the reasons set forth above.

Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 48-56, 69 and 70 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

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Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778